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BEFORE THE
Supreme Court of the United States

OCTOBER TERM, 1943.

NO.

GUY WHITEFORD, *Petitioner*,

v.

THE HECHT COMPANY, a corporation, *Respondent*.

MOTION AS TO RECORD.

To the Honorable, the Chief Justice and Associate Justices:

Petitioner moves that his Petition for Writ of Certiorari to the United States Court of Appeals for the District of Columbia may be considered upon the Appendices to the Briefs of the parties filed in this cause in said Court of Appeals, and upon the Proceedings and Opinions in that Court, and for reasons therefor respectfully shows:

1. The Appendices to said Briefs carry all pertinent facts and prior proceedings (R. 1-9; 167-185; 197-218).
2. The Minority Opinion of the Court of Appeals sets forth pertinent facts with completeness and accuracy (R. 204 ff).
3. On October 19, 1943, petitioner filed Designation of Record in the Court of Appeals (R. 217), designating, for

use as record in connection with this Petition for Writ of Certiorari, said Appendices and the Proceedings and Majority and Minority Opinions in that Court, serving a copy of such Designation upon respondent (R. 218). The latter filed no Counter-Designation, nor did it object otherwise.

4. Despite oral request by petitioner's counsel, respondent now refuses to stipulate that this Petition may be considered upon said Appendices and Proceedings and Opinions in the Court of Appeals.

5. Certified copy of said Appendices, and of said Proceedings and Opinions, have been lodged with the Clerk of this Court, along with ten plain copies of said Appendices and said Opinions.

6. No reference is made in this Petition to any portion of the record not contained in said Appendices or in said Proceedings and Opinions.

7. The original record in the Court of Appeals has also been lodged with the Clerk of the Court.

8. If the Writ of Certiorari prayed for in the Petition is granted, petitioner will promptly supply the requisite additional printed copies of said Appendices and of said Proceedings and Opinions; or, if so required by this Court, will promptly supply the requisite number of printed copies of further portions of the record in the Court of Appeals.

Respectfully submitted,

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